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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,308	07/26/2001	Mitsuhiro Shimazu	VX012328	4960
21369	7590	01/24/2005	EXAMINER	
<b>VARNDELL &amp; VARNDELL, PLLC</b> 106-A S. COLUMBUS ST. ALEXANDRIA, VA 22314				AMINI, JAVID A
ART UNIT		PAPER NUMBER		
2672				

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/912,308	SHIMAZU ET AL.	
Examiner	Art Unit	
Javid A Amini	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 10 August 2004.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 6-12 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2004 in respect to response to notice of non-compliant amendment dated September 23, 2004 has been entered.

Note: Examiner encourages Applicant to schedule an interview.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (6,618,045), and further in view of Blanchard (4,847,603).

1. Claim 6.

A display device disposed in a cabin of a construction machine, which comprises: Lin in col. 1 lines 12-22 discloses as a background of the invention, which computers are the tools of choice for many industries. Computers come in many shapes and sizes and can be found within traditional office environments, manufacturing facilities, automobiles, farm equipment, ships at sea, etc. Computers are also becoming more portable as witnessed by the recent growth

in laptops, palm computers, enhanced cellular telephones, global positioning systems, etc. One common requirement shared by these various general-purpose and special-purpose computers are the need to interface with the user. User input is typically provided by a keypad, touch screen, mouse, microphone, or the like. Examiner's comment: it is obvious to have the following step: "A display screen displaying at least one color in a background portion thereof and at least one image in a display portion thereof,". Lin in col. 2 lines 16-33 discloses that the user can establish a preferred setting for the brightness, contrast, color, etc., for a given lighting condition and the logic will monitor the lighting condition and make changes to the display as needed. Examiner's comment: the following step "change means for changing at least one of brightness, saturation and hue between said at least one displayed color of said background portion and said at least one displayed image of said display portion", is obvious because, Lin in col. 4, lines 32-44 teaches At least one environment sensor 74 is arranged near the screen and configured to detect certain changes in the lighting environment surrounding display 47 that may affect the user's ability to see the information being displayed. For example, in certain implementations environment sensor 74 measures an approximate level of ambient light falling on screen 70. In other implementations, environment sensor 74 is arranged to measure an approximate amount of light in one or more specific frequency bands in the visible light spectrum. In still other implementations, environment sensor 74 is arranged to measure an approximate amount of light falling on screen 70 from one or more specific angles with respect the front face of display 47. Lin does not specify a display device disposed in a cabin of a construction machine; however, Blanchard in the abstract teaches a display system for use in an aircraft see fig. 3 that can be installed in a construction machine. Thus, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to incorporate the teaching of Blanchard into Lin in order to modify Lin's invention to be situated inside of structure of the pilot display unit (PDU).

2. Claim 7.

The step of this claim is obvious because Applicant uses a broad language for example: "a background portion", Lin in col. 5, lines 34-45 teaches three different controllers: brightness controller, contrast controller, and color controller are controlled, by using a four-dimensional curve-fitting algorithm. For example: if a background color is just blue and the image color is red, then a user can control it with color controller. Applicant needs to be more specific of a background portion. "A display device for a construction machine according to claim 6, wherein said change means changes one of the following: (1) the brightness, saturation or hue of said displayed color of said background portion, and (2) the brightness. Saturation or hue of one of said displayed color of said background portion and said displayed image of said display portion, which occupies a larger area on said display screen."

3. Claim 8.

Lin in col. 5 lines 53-60 discloses if the room has a detected yellowish color then the hue of the display may be adjusted, as required, to normalize the displayed information. Therefore the following step is obvious: "A display device for a construction machine according to claim 6, wherein said change means changes the brightness, saturation or hue of said displayed color of said background portion".

4. Claim 9.

Lin in col. 4 lines 46-58 teaches the limitation as " a switch for turning an illumination on and off". As depicted in Fig. 2, at least one user input 76 is accessible to the user on the front face of

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display 47. Here, user input 76 can be, for example, a knob, slider, button, etc., which is configured to allow the user to set and/or otherwise modify certain operative parameters associated with display 47. Most displays include separate user inputs 76 to control the brightness and contrast settings of display 47. Some displays also provide user inputs 76 to control color saturation, tone and/or hue. Certain displays allow for remote control of these settings, for example, through an application running on computer 20. These controllable settings/functions and their implementations are well known. The rejection of claim 6 applies to the rest of the rejection for the claim 9.

5. Claims 10-12.

See rejection of previous claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini  
Examiner  
Art Unit 2672

Javid Amini



JEFFERY SHIER  
PRIMARY EXAMINER